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REMARKS

The Examiner has allowed Claims 1-4, 10-27 and 29-37. By this paper, Applicant has amended Claims 5, 28-36, 38, and 48. Claim 37 has been canceled. Thus, Claims 1-6 and 8-36, and 38-59 remain pending for further examination.

I. Discussion of Claim Rejection of Claims 5-9, 38-57

In paragraph 2 of the Office Action, the Examiner rejected Claims 5-9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,898,784, to Kirby, et al. (hereinafter "Kirby"). Applicant respectfully disagrees with these rejections. In paragraph 5 of the Office Action, the Examiner rejected Claims 28, and 38-59 under 35 U.S.C. § 102(a) as being unpatentable over Kirby in further view U.S. Patent No. 5, 826, 014 to Coley et al (hereinafter "Coley"). Applicant respectfully disagrees with these rejections.

In particular, Claim 5, as amended, recites a "network security device is configured to use association establishment messages _sent over the network_ for said secured users in authenticating each other" (emphasis added). Claim 28, as amended, recites a device "configured to send association establishment messages over the network to determine at least one of the first or second security parameters." Claims 38 and 48, as amended, recite a method comprising "discovering dynamically using messages _sent over the network_ by said secured user whether a user initiating communications is one of said secured users or one of said unsecured users" (emphasis added). In certain embodiments of the claimed invention, network security devices send association establishment messages to dynamically determine how to control passage of information between users of the network, including authenticating users or identifying security policies without the intervention of a firewall operator.

Applicant respectfully submits that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. _See_ M.P.E.P. § 2131. Further, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. _See_ M.P.E.P § 2143.03. Applicant submits that Kirby discloses users _verbally_ exchanging a secret key or by sending the data from a firewall computer in response to a user requesting action by an _operator_. Kirby, col. 6, lines 53-67 and col. 7, lines 1-13. This user intervention presupposes that the user manually identifies, through means outside of the network, whether a destination is secure.

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Thus, Applicant submits that Kirby fails to disclose "using association establishment messages for said secured user in authenticating each other" as recited in Claim 5, as amended. Similarly, Kirby fails to teach or suggest a device "configured to send association establishment messages over the network to determine at least one of the first or second security parameters" as recited in Claim 28. Further, Applicant submits that Kirby fails to teach or suggest "discovering dynamically using messages sent over the network by said secured user whether a user initiating communications is one of said secured users or one of said unsecured users" as recited in Claims 38 and 48, as amended. Thus, Applicant submits that Kirby fails to teach or suggest all limitations of Claims 5, 28, 38, and 48. Further, Applicant submits that Coley also fails to teach or suggest all limitations of Claims 5, 28, 38 and 48. Applicant therefore submits that Claims 5, 28, 38, and 48 are allowable. As each of Claims 6, 8-9, 29-36, 39-47, and 49-49 depend directly or indirectly from one of Claims 5, 28, 38, and 48, Applicant submits that those claims are also allowable.

II.   <u>Conclusion</u>

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Applicant submits that the claim limitations discussed above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

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Dated: 1/26/2005   By: _____

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